

52



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,406	08/17/2000	Yasushi Ayaki	33216M052	6691
7590 08/16/2004				
Beveridge DeGrandi Weilacher & Young Suite 800 1850 M Street NW Washington, DC 20036		EXAMINER DUGGINS, ALICIA M		
		ART UNIT 2616 PAPER NUMBER		

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,406

Applicant(s)

AYAKI ET AL.

Examiner

Alicia M Duggins

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/17/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 4/21/04 have been fully considered but they are not persuasive. In re. p.11-12 applicant argues with respect to claim 1, that Kojima does not teach or suggest any arrangement that corresponds to the AV file management means. In response, the examiner respectfully disagrees, Kojima teaches in (col.1 ll.1217) the endless recording of AV data which shows the arrangement between AV file management means and recording means.

In re. p.12 applicant argues with respect to claim 5, that Kojima does not disclose structure for managing the AV data recording area that is repeatedly overwritten. In response, the examiner respectfully disagrees, Kojima teaches in (col.1 ll.1217) the endless recording of AV data.

In re. p.13 applicant argues that Kojima does not disclose the setting of a maximum size. In response, the examiner respectfully disagrees, since Kojima does teach the setting of a size, the size can be set to whatever the user believes the maximum should be.

In re. p.14 applicant argues that Kojima does not disclose whether or not there is an unrecorded area. In response, the examiner respectfully disagrees, since in s.3 of fig.6 Kojima poses the question whether or not there should be endless recording, and if there is not endless recording there must be an area that is unrecorded.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-27 are rejected under 35 U.S.C. 102 (a) as being anticipated by
Kojima(US20010012435)

Regarding claims 1,7,12 and 13, Kojima shows an audio-visual data recording and reproducing apparatus (1) in fig.1 comprising:

- Recording area recording means for performing recording audio and/or visual data in a recording area on a recording medium (15B) in fig.2 (p.3 col.1 ll.12-27)
- Command receiving means for receiving control commands from a device connected via a bus (2) (p.2 col.1 ll. 56-61)
- AV file management means (2) in fig.1 (p.2 col.2 ll.42-47)
- Reproduction means (4) in fig.1 (p.3 col.1 ll.44-56)

Regarding claims 2 and 5, Kojima shows recording means performing recording of video and/or audio data by repeated overwriting in the recording area corresponding to the AV file (p.6 col.1 ll.4-15)

Regarding claim 3, Kojima shows an additional recording instruction command that performs an additional recording operation on an AV file and records the data in a recording area different from the repeatedly overwritten area (p.4 col1. ll.51-57)

Regarding claims 4,6 and 28-30 Kojima shows an AV file maximum size setting means, which can also reset the maximum size in the AV file management table (p.2 col.2 ll.54-61, p.9 col.1 ll.9-14)

Regarding claims 8,10 and 25, Kojima shows an unrecorded area that is an area in which video and/or video data has not been recorded and plays back an amount of alternate data (p.1 col.1 ll.1-13, p.5 col.1 ll.7-24))

Regarding claim 9, Kojima shows an unrecorded area in which video and/or audio data is not recorded and stops reproduction of video and/or audio data from the recording area in
(SP10) of fig.6

Regarding claims 14-17, Kojima shows a program recording medium characterized by recording a program for executing on a computer al or some of the functions of the data recording/reproducing apparatus (p.2 col.2 ll. 21-37; p.4. col.2 ll.34-52)

Regarding claims 18,20,21,22, 24,26 and 27 Kojima shows in fig.6:

- record/reproduce position specification means
- position information management means
- record/reproduce position setting means

Regarding claims 19 and 23, Kojima shows in fig.6 recording and reproducing means simultaneously performing loop recording and reproducing operations on the same AV file.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran (acting) can be reached on (703)305-4725. The fax phone number for the organization where this application or proceeding is assigned is (703)308-5391.

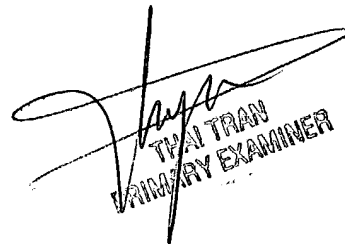
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2613

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

AMD
8/9/04



THAI TRAN
PRIMARY EXAMINER